



Attorney Docket No.: 030906

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>Applicants:</b>	Crafton, Corey M. et al.	:	
		:	<b>Examiner:</b> Kaushal, Sumesh
		:	
<b>Serial No.:</b>	09/987,763	:	<b>Art Unit:</b> 1633
		:	
<b>Filing Date:</b>	November 15, 2001	:	
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**Entitled:** NUCLEOTIDE SEQUENCES FOR TRANSCRIPTIONAL REGULATION OF CORYNEBACTERIUM GLUTAMICUM

**SUPPLEMENTAL RESPONSE TO FINAL OFFICE ACTION**

This response is submitted to supplement the "Response to Second Final Official Action" filed in this case on February 14, 2006. This response includes the Declaration Pursuant to 37 C.F.R. § 1.132 of Ms. Corey Crafton. Ms. Crafton is an inventor of the subject matter claimed in this invention, and is one skilled in the relevant art.

Ms. Crafton's Declaration attests to the utility of the claimed invention, as defined by 35 U.S.C. § 101. Ms. Crafton points out a number of factors that one skilled in the art would consider when deciding if the invention has utility. For example, she notes that the claimed sequence includes a Pribnow Box sequence that has 6 of 7 of the consensus nucleotides. Please note that on page 690 of Devlin, some guanine nucleotides are not clearly seen because they are in a difficult-to-reproduce yellow.

Ms. Crafton confirms the importance of the  $\beta$ -galactosidase assay that has been previously discussed in the applicant's responses. This assay and its associated activity is a clear indicator of utility, and would be recognized immediately as such by one skilled in the art.